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SUBJECT: BOLIVIA: PANDO SIEGE LIFTED, SIEGE LIGHT BEGINS

REF: A. LA PAZ 2374
[1B.](#) LA PAZ 2178
[1C.](#) LA PAZ 2054

Classified By: A/EcoPol Chief Brian Quigley for reasons 1.4 (b)(d)

[¶11. \(C\) Summary:](#) Although the government lifted the state of siege in Pando Department (state) November 23 without incident and released 16 of 38 Pando prisoners November 24, the military maintains a strong presence in the department with the permanent addition of nearly 2,000 security personnel. Despite assurances these troops are simply an overdue bolstering of the frontier department's counter-contraband forces, it appears the real intent is to ensure the ruling MAS party never loses control of Pando and to protect MAS surrogates from reprisals. Ex-Pando Prefect (governor) Leopoldo Fernandez and 19 other Pando prisoners were slated to be charged for a variety of crimes November 25, including the September 11 murder of government supporters, but the judge was recused. Government officials promised that anyone involved in September 11 violence, associated with Fernandez's prefetual government, or a member of the Pando Civic Committee will "face justice." A prosecutor confirmed November 25 that the government plans to charge at least 80 additional Pandinos and will attempt to extradite those seeking refuge in Brazil. Few, if any, Pandinos in Brazil have returned. Meanwhile, a MAS contact criticized the government's case against the "Leopoldistas" and the Union of South American Nations (Unasur) Commission report on the Pando violence as "worthless." End Summary.

Pando Siege Lifted as Troops Move In

[¶12. \(U\) The Bolivian government officially lifted the state of siege in Pando Department \(state\) November 23 without incident.](#) Defense Minister Walker San Miguel and other government officials also recently announced, however, that martial law will be replaced by a nearly 2,000-strong Command for Security and Public Order (CSPO) and that a bolstered security presence would continue "permanently" in Pando. Although San Miguel has been couching the increase in the federal government's presence (1,400 military troops and 300 police) in Pando as a long-overdue measure to combat cross-border contraband with Brazil since October, he emphasized November 23 that the CSPO would be used to keep

public order. San Miguel said the additional forces were needed to avoid violence, particularly in light of threats against "certain people in the municipalities of Filadelfia and Porvenir." San Miguel said the government "will not permit" acts of "vengeance" on the part of opposition-aligned militants.

¶3. (U) Martial law was declared September 12, in the wake of a violent September 11 standoff in and around the city of Porvenir between pro- and anti-government sympathizers which resulted in 13 official deaths. The government has characterized the incident as a "massacre" of campesinos (peasant farmers). San Miguel said the security forces would be reconfigured as the Pando Amazonian Command in 2009 with a strong counter-contraband mission, particularly cross border smuggling of timber and other natural resources.

GOB Catch and Releases 16 Pandinos, keeps 23

¶4. (U) The government sent 16 Pandinos, primarily held on charges of violating martial law, back home from La Paz's Viacha prison November 24 in accordance with lifting the state of siege. The "confinados" (confined; formal charges were never advanced) were greeted by emotional family reunions in Pando's capital of Cobija. The prisoners generally lauded their treatment by security forces, although not the manner in which they were arrested and flown to La Paz (reftel a). Ex-Prefect Leopoldo Fernandez and 19 Fernandez supporters and relatives remain in custody and were expected to be charged November 25 with assassination, homicide, assault, and criminal associations linked with September 11 violence and/or seizing public buildings. However, the judge was recused and the case now goes to its fourth judge, who is scheduled to accept or reject the charges November 28. The Supreme Court and legal experts continue to argue that the government is ignoring legal processes, including Supreme Court jurisdiction over Fernandez's case. Two former Prefect employees also remain in custody in La Paz on charges of embezzling more than \$860,000.

State of Siege Dies; Long Live State of Siege?

¶5. (C) Ruling Movement Toward Socialism (MAS) party congressional representative Ana Lucia Reis (strictly protect) told Poloff November 20 that despite San Miguel's attempt to characterize the increase in security forces as a natural correction to adjust troop strength in a wild frontier province, it is clearly meant to show the opposition that a kind of state of siege continues in Pando. Reis said the Bolivian government has legitimate concerns that once the siege is lifted, the opposition-aligned could try to take revenge on major pro-government actors in the September 11 violence and subsequent martial law, particularly MAS field organizer and former Cobija Mayor Miguel "Chiquitin" Becerra and the Filadelfia mayor. Chiquitin allegedly confided to Reis that he had received many death threats and was taking them seriously.

¶6. (C) Opposition Senator Roger Pinto (protect) told Poloff despite the lifting of the state of siege, little will change due to Pando's much increased police/military presence under the heavy influence of Presidency Minister Juan Ramon Quintana. Pinto (Podemos Party, Pando) said he had conflicting feelings about the increased security presence, as the government's security concerns are "real." Some of the Pando prisoners allegedly told Pinto November 14 they are "very angry." Pinto asserted it "may not be the worst thing that they stay in La Paz" (or preferably moved to Sucre) instead of being freed immediately in Pando for their own safety. Pinto said some of the Pandinos living in exile in Brazil have shared their desire with Pinto to kill the Mayor of Filadelfia, whose role in September 11 has been underreported, according to Pinto.

Filadelfia Mayor's Alleged Filthy Behavior

¶ 17. (C) Pinto said trucks from the Municipality of Filadelfia were attacked near Porvenir that morning. One truck with at least 2,000 rounds of small arms ammunition went up in flames. According to Pinto, special police from La Paz immediately removed all evidence that would incriminate the government from the scene following the establishment of martial law September 12, including crates of dynamite in another truck. Pinto said the dynamite was destined for Cobija because the fuses, in a backpack in another convey vehicle, had not been attached. "They thought they had more time to organize on the edge of Cobija." He opined that had the march continued to Cobija "it could have been a lot worse." Pinto claimed the Porvenir Police Commander (herself under investigation and claiming mistreatment) told him the Pando Police Commander did not reinforce police in Porvenir due to government pressure. Pinto asserted Minister Quintana wanted to provoke a conflict in Cobija, not Porvenir, and stopping the march in Porvenir was overruled for that reason.

Prosecutor Admits Hearing One Side of the Story

¶ 18. (U) One of prosecutors investigating the Pando cases admitted in an interview published November 25 in La Paz leading daily La Razon that "we are only hearing from the families of (campesino) victims." However, Prosecutor Eduardo Morales said this was because "most of the accused are invoking their right to silence" and opposition-aligned Pandinos are not filing counter-complaints. The prosecutor added that the investigation was still "preliminary" and that all facets of the case would eventually be investigated. However, he proceeded to cast blame firmly on the opposition, citing the Union of South American Nations (Unasur) Commission report, which "said that the campesinos were not armed," and the Constitution, which "guarantees the right of assembly. ... They had a confederation of campesinos, and their leadership convoked them. Some people didn't like that and shot them."

Purging Pando of "Leopoldistas"

¶ 19. (C) Reis met with all 38 Pando "confinados" as part of her duties in a government escort team for international organizations and NGOs. She said the visits confirmed her suspicions that the prosecution is not interested an evenhanded account of events and that many of the confinados had nothing to do with the violence. "This is a political investigation to purge Pando of Leopoldistas (supporters of ex-Prefect Leopoldo Fernandez), this is not really about September 11 (violence in Pando)." Legal arguments that the accused should be released or moved "do not matter" to the government, according to the Congresswoman. Reis said Minister Quintana used the state of siege to "construct" charges against political opponents and provided a PowerPoint presentation to MAS congressmen in early November outlining bogus charges, including planted evidence, against "anyone connected with Leopoldo (Fernandez) and even some that are not."

¶ 110. (C) Reis expects no major progress on the cases until after the January 25 constitutional referendum. She said MAS leaders want to use the inertia from that victory to justify court packing, much the way Evo used the August referendum to justify ramming the constitutional referendum through. Reis speculated that after the MAS packs the courts, the Supreme Court will endorse whatever action the government wants to take with regard to remaining Pando confinados. Reis said some MAS leaders had considered releasing (not reinstating) Fernandez on some kind of house arrest in exchange for a deal with the opposition because of the weak legal case against him, but that Fernandez's symbolic value became "just too great." Reis contended the government does not want violence to obstruct their supposed referendum victory and Fernandez's continued imprisonment acts a brake on opposition attacks against President Morales' surrogates and broader political

resistance to the government from other opposition leaders afraid they might be next.

Come Back with Your Hands Up

¶11. (U) Minister San Miguel also claimed November 23 that there were "not more than" 150 Pandinos "in hiding" in Brasilea, Brazil and only 35 of these had solicited refugee status. Although he welcomed the exiles to return and "go about their business," San Miguel said everyone who returns to Pando will be investigated for possible links with the seizing of public institutions in Cobija during August and September and the September 11 violence. He said members of Fernandez's "shock troops" and the Pando Civic Committee will "have to face justice sooner or later." Prosecutor Morales confirmed November 25 that at least 80 addition Pandinos would be charged, although the *confinados*' lawyer said she is aware of 84 new names. Prosecutor Morales said if the newly accused did not appear in court after being summoned, the government would arrest them and, in the case of those in Brazil, submit extradition requests.

Pandinos in Brazil "Maybe Forever"

¶12. (C) Media estimates of the number of opposition-aligned Pandinos seeking refuge in Brasilea, Brazil range all the way up to 1,500, with about 50 families living in tents in a Brasilea gymnasium. Pandinos living in Brasilea met November 23 to discuss the prospects of returning after the state of siege was lifted, but almost unanimously decided to stay out of fear of prosecution. "We will stay here. In our country we have no (constitutional) guarantees," said Pando Civic Committee President Ana Melina. Reis said most Pandinos in Brazil had not formally applied for asylum or refugee status, but were rather "waiting it out" with friends and family or in their own Brazilian properties. She stressed the interconnectedness of Cobija and Brasilea, "just a few minutes on the other side of the border. We are practically the same community." Reis said the government's fear factor strategy appears to be working with her opposition-aligned friends still hunkered down in Brazil, such as the leader of an opposition-aligned campesino group, who told her he would likely wait out the MAS government before returning; "in other words, maybe never."

Government Hands Pando Video to Unasur

¶13. (U) The government handed over a video to the Unasur commission investigating the Pando violence shortly before making the video public November 23 and broadcasting it in heavy rotation on the government television station ever since. The video shows prominent opposition and prefectural leaders in Pando in both verbal and armed conflicts with the compesinos. Opposition Senator Jose Villavicencio is seen talking with ex-Pando Police Commander Silvio Magarzo, implying complicity with the opposition. Villavicencio's voice is heard apparently interrogating a campesino and asking him if he is being paid by pro-government political organizer Miguel "Chiquitin" Becerra. The government is keeping the source of the video secret "for security reasons." Prosecutor Morales confirmed they would use the video as evidence, but *Confinado* lawyer Mary Carrasco countered that the video was not "sufficient" to support the government's accusations and promised to bring "corresponding" lawsuits against the government for releasing it.

Unasur Likely to Support GOB Pando Narrative

¶14. (U) The Unasur Commission handed its report to Chilean President Michelle Bachelet, Unasur's acting president, November 25. The report has not yet been released publicly, but San Miguel announced it would support the government's characterization of the September 11 conflict as a "massacre"

and that there were more campesinos killed than the 13 officially accounted for deaths. San Miguel said the report would act as the "definitive" record of events in Pando. Bachelet accepted the report without comment on its merits, but said "this report constitutes an important contribution to (human) rights on the part of Unasur, to justice and to overcome impunity in the region."

MAS Deputy Unsure About Unasur

¶ 15. (C) Reis characterized the delegation as the "most aggressively leftist group I could have imagined," and questioned how they were selected. She said the "worthless" report is based entirely on government-approved testimonials and background. The group was housed at Reis' hotel and she escorted them to some of their Pando meetings. Initially she thought the group was being bullied by Venezuelan members, but the more contact she had with them, the more she "realized they didn't need to be convinced." Reis asked us to lobby for another international group or NGO to investigate.

MASSive Infighting May Prompt Pando Leadership Change

¶ 16. (C) Reis claimed despite Morales' posting of interim prefect and Deputy Navy Commander Rafael Bandeira Arze until elections in April 2010, Bandeira may be removed shortly after the January 25 constitutional referendum. "Chiquitin" Becerra told Reis that Bandeira was ignoring him. Other prefect contacts allegedly told Reis that Chiquitin handed Bandeira a list of people he wanted posted to minor prefecture jobs. Bandeira allegedly crumpled up the list, threw it on the floor, and said "you are not in command here, you can't tell me what to do. Only the president can tell what to do." Bandeira also rejected the list based on the technical requirements for many of the jobs, according to Reis, in contrast with more senior political positions already stocked with Quintana and Chiquitin cronies.

¶ 17. (C) Angered, Chiquitin supposedly met with Morales in mid-November to complain about the interim prefect and request that he be replaced. Bandeira also met Morales last week to complain about Chiquitin. Reis said the interim prefect is doing a reasonably good job, is asserting some independence, and is open-minded (she cited his agreement in principle to a MILGP project event in Pando). However, there is "reasonable" and wide-spread criticism that Evo appointed an "outsider" to be prefect for a long interim period, which Chiquitin is trying to exploit. It is unclear who Bandiera's successor would be, as Chiquitin wants to hold out to be the MAS candidate for prefect in 2010 (as does Reis). (Note: An ongoing contraband investigation against Bandeira, linking him with Quintana, has been covered by the press. Reftel c. End Note.)

"Layers of Provocation"

¶ 18. (C) Dutch Poloff Harmon Van Dijk told Poloff November 24 that although the Dutch mission has no idea who was responsible for starting the shooting, "what is clear is that the opposition in Porvenir went berserk." Van Dijk said it was important to consider the "layers of provocation" on both sides leading up to the September 11 violence. He argued that campesinos felt that they were "already under attack" after opposition sympathizers took to the streets in late August/early September, taking over federal buildings in Cobija. He said the taking of the federal government's land distribution office (INRA) and subsequent burning of official documents was "critical" to mobilizing the campesinos march on Cobija. Van Dijk said the government's land redistribution program in Pando was the furthest advanced in Bolivia, with nearly 2 million hectares surveyed and slated for redistribution. According to Van Dijk, the Dutch Embassy received many frantic calls from Dutch-associated NGOs operating in Pando that opposition mobs were threatening them

and vandalizing their buildings, as well as intimidating pro-Morales store owners and ransacking their stores.

¶19. (C) Van Dijk conceded that the Morales administration used such pretexts, particularly the "very real fear" of losing promised land titles, to mobilize the campesinos for their own crass political ends. "They cannot say they had nothing to do with it, they were directly involved." But he also argued that the opposition was, at a minimum, guilty of "grossly overreacting" in Porvenir, allowing the government to characterize the confrontation as a "massacre" and to use it to unseat Prefect Fernandez, which "seems to be what they wanted all along." Van Dijk said the Dutch Mission told Foreign Ministry officials it is concerned that Fernandez has become the focus of the government investigation, when it is clear Fernandez did not have control over the chaotic situation and cannot be blamed "for everything that happened." He compared the situation to Santa Cruz Department, saying neither opposition prefect has control over radicals acting on their own initiative.

Comment

¶20. (C) The government has ensured only three "authoritative" Pando investigations will surface: from Unasur, the police, and the Bolivian Congress. We have little confidence that these investigations will approximate what actually transpired. With other international groups and all but government media restricted under martial law and banned from Pando in the immediate aftermath of September 11, it may be too late to accurately examine crime scenes and collect precise testimony. As Bolivia's Human Rights Ombudsman has lamented, we do not (and may never) know exactly what happened in Pando September 11. The fact that the prosecution is already citing the unreleased Unasur report as "evidence" does not reflect strongly on the impartiality of either Unasur or the prosecution. End Comment.

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